

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:

NATHAN KELCEY EDWARDS,
SSN XXX-XX-1156,

Debtor.

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Case No. 08-81168
(Chapter 7)

ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

This matter came on before the undersigned United States Bankruptcy Judge upon the Motion for Relief from Stay (the "Motion") filed by American Honda Finance Corporation (the "Creditor") to exercise its state law rights with respect to certain personal property, a 2004 Acura MDX vehicle, vehicle identification number 2HNYD18264H530097 and more fully described in the Motion, (the "Personal Property"). The Court having considered the Motion and the record in this case finds and concludes as follows:

1. The Creditor filed the Motion on December 30, 2009.
2. The Clerk of the Bankruptcy Court mailed a Notice to interested parties on December 31, 2009 that any objection to the Motion must be filed with the Court by January 12, 2010 and that if no objections were filed within that time period, then the Court would consider the Motion without a hearing.
3. No objection to the Motion was filed by any interested party, and the time within which objections must be filed as set forth in the Notice has expired.
4. Cause exists for modification of the automatic stay afforded by Section 362 of the Bankruptcy Code.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED, AND DECREED that the Motion is granted, and the automatic stay afforded by Section 362 is modified to allow American Honda Finance Corporation to exercise its state law rights with respect to the Personal Property.

IT IS FURTHER ORDERED that Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and that the Creditor may immediately enforce and implement this Order.

IT IS FURTHER ORDERED that if a sale of the Personal Property is held and excess proceeds are derived, then such proceeds shall be deposited with the Chapter 7 Trustee in this case.

Parties to be served:

Nathan Kelcey Edwards
% John T. Orcutt
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American Honda Finance Corporation
% Kristin Decker Ogburn
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John A. Northen
Chapter 7 Trustee
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Michael D. West
Bankruptcy Administrator
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